

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YVONNE ARLEASE FOSTER, et al

Plaintiffs,

Case No. 18-11290

v.

HON. MARK A. GOLDSMITH

PEOPLE OF THE STATE OF MICHIGAN,
et al

Defendants.

ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

On August 8, 2018, the Court dismissed Plaintiffs' complaint for failure to comply with the requirements of Federal Rule of Civil Procedure 8(a) and failure to respond to the Court's show cause order requiring an amended complaint. See 8/6/2018 Order (Dkt. 8). Plaintiffs filed an amended complaint on March 14, 2019, but the Court struck that complaint for failure to seek leave of the Court. See 3/20/2019 Order (Dkt. 11). On April 1, 2019, Plaintiffs filed an affidavit requesting permission to resubmit the case. See 4/1/2019 Aff. (Dkt. 12). The Court construes the affidavit as a motion for leave to file an amended complaint. Considering that the initial complaint was dismissed before any Defendants were served, it cannot be said that any Defendants were prejudiced by this delay. See Kurschat v. General Bearing Corp., No. 04-40281, 2007 WL 2080302, at *2 (E.D. Mich. July 19, 2007) ("To deny a motion to amend, a court must find at least some significant showing of prejudice to the opponent.") (internal quotation marks omitted). Accordingly, the motion for leave to file amended complaint is granted. Plaintiffs shall file an amended complaint and an application to proceed in forma pauperis by **April 26, 2019**.

SO ORDERED.

Dated: April 11, 2019
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 11, 2019.

s/Erica Karhoff for Karri Sandusky
Case Manager